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REMARKS

Claims 1-17 are pending in the instant application. Claims 1-17 have been subjected to a Restriction Requirement as follows:

Group I, claims 1-5, 7-10 and 15, drawn to an isolated nucleic acid, classified in class 536, subclass 23.1;

Group II, claims 6 and 14, drawn to a hybridization method for determining the presence of ovary specific nucleic acids (OSNA), classified in class 435, subclass 6;

Group III, claims 11 and 15, drawn to an isolated polypeptide, classified in class 530, subclass 350;

Group IV, claim 12, drawn to an antibody, classified in class 424, subclass 134.1;

Group V, claim 13, drawn to a ligand binding assay to detect OSNA, classified in class 435, subclass 7.1;

Group VI, claim 16, drawn to a method of treating patients, classified in class 544, subclass 12; and

Group VII, claim 17, drawn to a vaccine, classified in class 424, subclass 186.1.

The Examiner suggests that each of these Groups are distinct. With respect to Groups I, III, IV and VII, the

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Examiner suggests that these Groups are unrelated since they are structurally and functionally distinct. With respect to Groups I and II, III, IV and VI, and VII and VI, the Examiner has acknowledged their relationships as product and process of use, but suggests that they are distinct because the products can be used in materially different processes. With respect to Groups II, V and VI and VII, II and V, the Examiner suggests that they are unrelated because they are not disclosed as capable of use together and they have different modes of operation.

Further, the Examiner suggests that each of these Groups reads on patentably distinct SEQ ID Numbers and is requiring Applicants to further elect a single SEQ ID NO:.

Applicants respectfully traverse this Restriction Requirement.

MPEP §803 provides two criteria which must be met for a restriction requirement to be proper. The first is that the inventions be independent or distinct. The second is that there would be a serious burden on the Examiner if the restriction is not required. A search of prior art relating to an elected nucleic acid, polypeptide or antibody would also reveal any

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references teaching uses for the nucleic acid, polypeptide or antibody. Accordingly, Applicants believe that searching of all the claims, at least when limited to elected nucleic acids or polypeptides is overlapping and would not place an undue burden on the Examiner if the Restriction is not made.

Thus, since this Restriction Requirement does not meet both criteria as set forth in MPEP § 803 to be proper, reconsideration and withdrawal of this Restriction Requirement is respectfully requested.
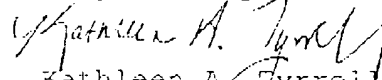
In addition, with respect to the election of a single sequence, MPEP § 803.04 clearly states that a reasonable number of nucleotide sequences, normally ten sequences, can be claimed in a single application. Accordingly, withdrawal of this sequence election requirement and reconsideration to include a more reasonable number of at least 10 sequences in accordance with MPEP § 803.04 is also respectfully requested.

However, in an earnest effort to advance the prosecution of this case, Applicants elect Group I, claims 1-5, 7-10 and 15, SEQ ID NO:8 encoding SEQ ID NO:82, with traverse.

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Applicants believe that the foregoing comprises a full and complete response to the Office Action of record.

                              Respectfully submitted,

                              [signature]
                              Kathleen A. Tyrrel
                              Reg. No. 38,350

Date: **August 25, 2003**

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